

COOPER LAW FIRM

1525 Religious Street
New Orleans, Louisiana 70130
Telephone: (504) 399-0009
Fax: (504) 309-6989
www.clfnola.com
Celeste Brustowicz
Licensed in LA-CA-MS
cbrustowicz@sch-llc.com

May 15, 2019

Sent via email transmission (david@specialmaster.law)

Special Master David R. Cohen
Law Office of David R. Cohen
24400 Chagrin Boulevard, Suite 300
Cleveland, OH 44122

RE: In Re: National Prescription Opiate Litigation
MDL Case No.: 1:17-cv-2804 (NAS Babies)

Dear Special Master Cohen:

To clear up the confusion, counsel for the NAS babies have filed several state-wide class actions on behalf of children in particular states and seek ARCOS data reflecting the distribution patterns in those specific jurisdictions. These state class actions include West Virginia, Illinois, Missouri, Tennessee, New York, Louisiana, Maryland, California, and Ohio. Only one of our complaints asserts a national class.

Without ARCOS data for these states, it is impossible for counsel to determine comprehensively which entities distributed opioids in these jurisdictions, which defendants should be named in the state-wide class complaints and defendants' relative liability within each state.

Unfortunately, and potentially prejudicially, the babies in the state class actions were forced to comply with Judge Polster's complaint amendment deadline without the benefit of such information that other MDL plaintiffs were provided, despite our repeated requests. Further, state-wide ARCOS data is also highly relevant to distribution of possible settlement funds, and it is vital that the needs of babies afflicted with NAS be represented and accounted for in any settlement negotiations.

Primarily, we seek state-wide ARCOS data for each of the states where we have filed an NAS class action. Additionally, we have requested national data for our national class. If access to the national data is too big a request at this time, we still need access to the state-wide ARCOS data. Access to particular state data is justified for the same reasons as the hospitals and municipal entities.

We note that should we be granted access, we will need leave to amend our state-wide class complaints to reflect the ARCOS data.

I hope this clarifies our situation and what we are asking for. We look forward to your response.

Respectfully,


Celeste Brustowicz

CB/lr

cc: Joe Rice (jrice@motleyrice.com)
Josh Gay (jgay@levinlaw.com)